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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,934	09/11/2003	Tao Wu	042933/267065	5056

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ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER
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DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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05/01/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/659,934	<b>Applicant(s)</b> WU ET AL.	
	<b>Examiner</b> Thomas J. Dailey	<b>Art Unit</b> 2152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/07/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-34 are pending in this application.

#### ***Specification***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." On pages 1 the specification the applicant makes reference to Request For Comments 2616. The reference was neither listed on a proper information disclosure statement, nor were any copies received. Therefore, unless the references have been cited by the examiner on form PTO-892, it has not been considered.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 1-7, 15-21, and 22-24 consistently use the term “capable” and “capable of” (e.g. claim 1, lines 3, 5, 8, 9, 10, and 12). This renders the claims indefinite, as it is unclear what the applicant intends to claim; capability is not how systems and apparatuses should be defined in claims.
6. Claims 1, 6, 8, 13, 15, 22-25, and 32-33 consistently use the term “can” (e.g. “can respond” in claim 1, line 14 and “can reformulate” in claim 6, line 7). This renders the claims indefinite as it is unclear what the applicant intends to claim; claims should not be defined is what they can or may do.
7. Claims 2 and 9 recite, “a first network comprising a wireless network, a second network comprising a wireline network,” (claim 2, lines 2-3; claim 9, lines 2-3). The parent claims 1 and 8 previously recited a first and second network thus making it unclear whether the first and second networks recited in claims 2 and 9 are the same that were introduced in claims 1 and 8.
8. Claims 26-29 and 32-34 consistently use the term “adapted to” (e.g. claim 26, line 2). The recitation of “adapted to” only suggests, but does not require, what is recited after “adapted to” to be performed.
9. Any claims not previously addressed, are rejected due to their dependence on the above rejected claims.

wherein the network proxy is capable of receiving the first response from the host (column 6, line 34-column 7, line 3),

wherein the network proxy is capable of reformulating the first request into a second request that identifies the resource at a second location (column 7, lines 3-7), and

wherein the network proxy is capable of sending the second request to a host of the resource at the second location such that the host of the resource at the second location can respond to the second request with a second response (column 7, lines 3-7).

13. As to claim 8, it is rejected by the same rationale set forth in claim 1's rejection.

14. As to claim 15, Leppinen discloses a network proxy comprising:

a processor capable of communicating with a host over a second network independent of a first network (column 6, lines 28-34, gateway server reads on processor, web server reads on host),

wherein the processor is capable of receiving a first response from the host (column 6, line 34-column 7, line 3),

wherein the first response is responsive to a first request sent from a terminal to the host over the first network and the second network (column 3, lines 31-34 and column 6, lines 28-34),

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-5, 8-12, 15-22, and 25-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Leppinen (WIPO Publication No. WO 01/33804 A2).

12. As to claim 1, Leppinen discloses a system for requesting a resource over at least one network (Abstract), the system comprising:

a terminal capable of sending a first request for the resource over a first network and a second network (column 3, lines 31-34 and column 6, lines 28-34, mobile station reads on terminal);

a host capable of receiving the first request, and thereafter sending a first response, wherein the first request identifies the resource at a first location on the host (column 5, line 32-column 6, line 1, web server reads on host) ; and

a network proxy capable of communicating with the host over the second network independent of the first network (column, 6, lines 28-34, gateway server reads on network proxy)

wherein the first request identifies a resource at a first location on the host (column 6, lines 28-34),

wherein the processor is capable of reformulating the first request into a second request that identifies the resource at a second location (column 7, lines 3-7), and

thereafter sending the second request to a host of the resource at the second location such that the host of the resource at the second location can respond to the second request with a second response (column 7, lines 3-7).

15. As to claim 22, Leppinen discloses a terminal for requesting a resource over at least one network, the terminal comprising:

a client application capable of sending a first request for the resource to a host over the first network and the second network (column 3, lines 31-34 and column 6, lines 28-34), the first request identifying the resource at a first location on the host (column 6, lines 28-34), wherein the client application is capable of sending the first request in a manner so that the host can send a first response that a network proxy can receive over the second network independent of the first network (column 3, lines 31-34 and column 6, lines 28-34), reformulate into a second request that identifies the resource at a second location (column 7, lines 3-7), and send the second request to a host of the resource at the second location such that the host of the resource at the second location can respond to the second request with a second response (column 7, lines 3-7); and

a terminal proxy capable of communicating with the client application independent of the first network, wherein the terminal proxy is capable of receiving the second response and thereafter sending the second response to the client application (column 10, lines 10-16, the terminal proxy is inherent at the mobile station (terminal) as the second response is received in the form of the header which gives the location of the new URL to the mobile station (terminal)).

16. As to claim 25, Leppinen discloses a computer program product comprising a computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions comprising:

a first executable portion for receiving a first response from a host over a second network independent of a first network (column 6, line 34-column 7, line 3),

wherein the first response is responsive to a first request sent from a terminal to the host over the first network and the second network (column 3, lines 31-34 and column 6, lines 28-34),

wherein the first request identifies a resource at a first location on the host (column 6, lines 28-34);

a second executable portion for reformulating the first request into a second request that identifies the resource at a second location (column 7, lines 3-7),  
and



a third executable portion for sending the second request to a host of the resource at the second location such that the host of the resource at the second location can respond to the second request with a second response (column 7, lines 3-7).

17. As to claim 32, it is rejected by the same rationale set forth in claim 22's rejection.

18. As to claims 2 and 9, Leppinen discloses the terminal is capable of sending the first request over a first network comprising a wireless network (column 5, lines 2-13), and a second network comprising a wireline network (column 5, lines 2-13, mobile station (terminal) uses a wireless network and is in communication with webserver (host) via the gateway (network proxy) using a standard wired network).

19. As to claims 3, 10, 17, and 27, Leppinen discloses sending a first hypertext transfer protocol (HTTP) request (column 6, lines 28-34), and wherein the host is capable of sending a first HTTP response that includes a 3xx "Redirection" status code (column 7, lines 1-3, the "HTTP redirection message" will inherently be of 3xx status in HTTP).

20. As to claim 4, 11, 18, and 28, Leppinen discloses the network proxy is capable of examining the first response to determine if the first response identifies the resource at the second location, and if the first response does not identify the resource at the second location, sending the first response to the terminal (column 6, lines 6-18), and

wherein the network proxy is capable of reformulating the request and sending the second request if the first response does identify the resource at the second location (column 6, lines 19-25).

21. As to claims 5, 12, 19, and 29, Leppinen discloses the terminal is capable of sending a first hypertext transfer protocol (HTTP) request (column 5, lines 22-25), wherein the host is capable of sending a first HTTP response (column 7, lines 1-3) and wherein the network proxy is capable of examining the first response to determine if the first response includes a 3xx "Redirection" status code to thereby determine if the first response identifies the resource at the second location (column 7, lines 3-16, the "HTTP redirection message" will inherently be of 3xx status in HTTP).

22. As to claims 16 and 26, Leppinen discloses receiving a first response from the host that identifies the resource at the second location (column 6, lines 9-13).

23. As to claims 20 and 30, Leppinen discloses the terminal includes a terminal proxy, and wherein the processor is capable of sending the first response and the second response to the terminal proxy (column 7, lines 10-16).

24. As to claims 21 and 31, Leppinen discloses compressing at least one of the first response and the second response before sending the first response and second response to the terminal proxy (column 7, lines 10-16).

***Claim Rejections - 35 USC § 103***

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 6-7, 13-14, 23-24, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leppinen as applied to claims 1, 8, 22, and 32 above, in view of Goldstein (US Pub. No. 2003/0149720).

27. As to claims 6 and 13, Leppinen discloses the invention substantially with regard to the parent claims 1 and 8, and further discloses

sending the first response and the second response to a terminal proxy  
(column 7, lines 10-16);

sending the first response to the terminal such that it identifies the resource at  
a second location (column 7, lines 10-16);

However, Leppinen is silent with regards to a third request from the terminal  
that is requesting the resource that was requested with the first request but with  
different location information, and the request being directed and answered by  
the terminal proxy all occurring independent on the first network.

Rather, Leppinen discloses that the first and second responses are sent  
together (column 7, lines 10-16, the second response being the requested  
content or resource and the first response being the redirection information that  
is included in the with the second response as a header) and additional request  
not needed.

However, Goldstein discloses a terminal proxy that receives requests from  
the terminal and responds to those requests in independent of a first network  
([0024], lines 18-26 and [0029]).

Therefore it would have been obvious to one of ordinary skill in the art at the  
time of the invention to combine the teachings of in order to decrease the  
computational burden on the gateway server (network proxy) of Leppinen's

invention. This is accomplished by not including the new location information in the header of the first response and instead sending the responses piece meal to Goldstein's terminal proxy. Goldstein's terminal proxy can then give the new location information to the terminal in its original form, not repackaged into a header.

28. As to claims 7 and 14, Leppinen and Goldstein disclose the invention substantially with regard to the parent claims 6 and 13, and further disclose:

compressing at least one of the first response and the second response before sending the first response and second response to the terminal proxy (Leppinen, column 7, lines 10-16); and

uncompressing the compressed at least one of the first response and the second response before sending the respective response to the terminal (Leppinen, column 7, lines 10-16).

29. As to claims 23 and 33, they are rejected by the same rationale set forth in claim 6's rejection.

30. As to claims 24 and 34, they are rejected by the same rationale set forth in claim 7's rejection.

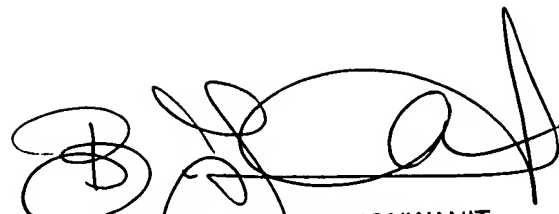
***Conclusion***

31. For additional prior art made of record and not relied upon and considered pertinent to applicant's disclosure see attached Notice of References Cited, Form PTO-892.
32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
34. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2152



TJD  
4/26/2007



BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER